

# **EXHIBIT H**

CONDENSED COPY

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3 Civil Action No. 07-CV-3616 (MGC)

-----x  
4 BABY BEAN PRODUCTIONS LLC,

5 Plaintiff,

6 -against-

7 DC SHOES, INC.,

8 Defendant.  
-----x

9 February 6, 2008

10 12:05 p.m.

11  
12 Deposition of DANNY PARKS, taken by  
13 Defendant, pursuant to notice, at the offices of  
14 Kane Kessler, P.C, 1350 Avenue of the Americas,  
15 New York, New York, before SUZANNE PASTOR, a  
16 Shorthand Reporter and Notary Public within and  
17 for the State of New York.

18  
19  
20 ROSENBERG AND ASSOCIATES

21 Certified Court Reporters & Videographers

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| <p style="text-align: right;">10</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 Q. And who is Luis Perez?</p> <p>3 A. He's a really good friend of mine.</p> <p>4 I've known him for quite a while.</p> <p>5 Q. How long?</p> <p>6 A. I'm trying to think how old I am</p> <p>7 now. Over 20 years I believe.</p> <p>8 Q. And what was Luis's involvement</p> <p>9 with the KoNY event in August of '05?</p> <p>10 A. He was the existing owner of the</p> <p>11 event I guess. He started it and, yes, he was</p> <p>12 the owner of the event.</p> <p>13 Q. Why do you say that, he was the</p> <p>14 owner of the event?</p> <p>15 A. Well, because he didn't -- he sort</p> <p>16 of had a sport organizer. Someone who helped</p> <p>17 him do the coordination, some of the -- well,</p> <p>18 some of the coordination of the event.</p> <p>19 Q. So why did you say he was the owner</p> <p>20 of the event?</p> <p>21 MR. SONNABEND: I Object.</p> <p>22 A. Because he started it. It was his</p> <p>23 event.</p> <p>24 Q. Okay, that's your definition of an</p> <p>25 owner of the event. Someone who started it?</p> | <p style="text-align: right;">12</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 Q. I think you already described that</p> <p>3 the partnership owned the event after that point</p> <p>4 in time.</p> <p>5 A. Correct.</p> <p>6 Q. Prior to that time, meaning August</p> <p>7 2005, did Danny Parks have any ownership</p> <p>8 interest in the event?</p> <p>9 A. No.</p> <p>10 Q. But as a result of this</p> <p>11 partnership, did you individually take with Luis</p> <p>12 Perez an ownership interest in the event?</p> <p>13 A. Baby Bean Productions, yes, I did.</p> <p>14 And me meaning Baby Bean Productions?</p> <p>15 Q. Well, we're talking about August</p> <p>16 2005, right?</p> <p>17 A. Right.</p> <p>18 Q. Didn't you already tell us that</p> <p>19 Baby Bean was created in January of '06?</p> <p>20 A. Correct. So -- well, we started</p> <p>21 discussing it in August of '05. And I told him</p> <p>22 that we were going to -- the reason that I</p> <p>23 started it was when I was going to start my</p> <p>24 company. And I knew it wasn't started then. It</p> <p>25 was going to be for next year in 2006. So --</p> |
| <p style="text-align: right;">11</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 MR. SONNABEND: I object.</p> <p>3 A. Someone who started it, yes,</p> <p>4 someone who started it and runs it.</p> <p>5 Q. Where is the conducted?</p> <p>6 A. It has been conducted in the past</p> <p>7 at Mullally Park.</p> <p>8 Q. Every year it's been at Mullally?</p> <p>9 A. Correct.</p> <p>10 Q. Was there an event in 2005?</p> <p>11 A. I don't believe there was. There</p> <p>12 was a year that they skipped. I'm not sure</p> <p>13 which one it was.</p> <p>14 Q. Now, you formed this partnership in</p> <p>15 August 2005 with Luis Perez, is that correct?</p> <p>16 A. Mm-hmm.</p> <p>17 Q. What was the nature of the</p> <p>18 partnership?</p> <p>19 A. That it was -- I don't quite</p> <p>20 understand your question.</p> <p>21 Q. What is the purpose of the</p> <p>22 partnership?</p> <p>23 A. What's -- I mean, what's the</p> <p>24 purpose of a partnership? To run things</p> <p>25 together.</p>  | <p style="text-align: right;">13</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 repeat your question because I'm not quite</p> <p>3 following you.</p> <p>4 Q. I'll ask another question. When</p> <p>5 the partnership -- you already told us that the</p> <p>6 partnership was formed in August of 2005,</p> <p>7 correct?</p> <p>8 A. That's when we started discussing</p> <p>9 it.</p> <p>10 Q. That's when you started discussing</p> <p>11 it. So when was the partnership actually</p> <p>12 formed?</p> <p>13 A. I mean, I guess -- can you form --</p> <p>14 I'm just not quite sure if you can form a</p> <p>15 partnership -- yes, August 2005. August 2005.</p> <p>16 Q. So in August 2005 Baby Bean did not</p> <p>17 legally exist, correct?</p> <p>18 A. Correct.</p> <p>19 Q. So who were the original partners</p> <p>20 in the partnership?</p> <p>21 A. I guess myself and Luis.</p> <p>22 Q. So you individually and Luis.</p> <p>23 MR. SONNABEND: I object. He just</p> <p>24 answered that, Adam.</p> <p>25 A. Yes.</p>   |

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| <p style="text-align: right;">14</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 Q. Now, at some point in time did Baby</p> <p>3 Bean Productions become a partner in this</p> <p>4 partnership?</p> <p>5 A. Well, the whole intent -- I guess</p> <p>6 technically, yes. But the whole intent was when</p> <p>7 we formed the partnership that is when I told</p> <p>8 him I was going to start my company. And so</p> <p>9 even though, yeah, I wasn't legally Baby Bean --</p> <p>10 I mean --</p> <p>11 Q. I think what we've already</p> <p>12 established is when the partnership was formed,</p> <p>13 august 2005, the original partners were yourself</p> <p>14 and Luis Perez, is that correct?</p> <p>15 A. If you want to look at it that way.</p> <p>16 Q. At some point in time thereafter,</p> <p>17 Baby Bean Productions was formed.</p> <p>18 A. Correct.</p> <p>19 Q. And did Baby Bean Productions</p> <p>20 become a partner in this partnership at some</p> <p>21 point in time?</p> <p>22 MR. SONNABEND: I object. He</p> <p>23 already answered that to the best of his ability</p> <p>24 I believe.</p> <p>25 A. To me it's semantics. It's -- Baby</p> | <p style="text-align: right;">16</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 A. I believe from 1993 I believe until</p> <p>3 either 2000 or 2001.</p> <p>4 Q. What was his job at New York City</p> <p>5 Parks Department?</p> <p>6 A. A recreation specialist I believe.</p> <p>7 Q. Did he work at Mullally?</p> <p>8 A. Yes, he did.</p> <p>9 Q. When he first created the event,</p> <p>10 was he a New York City employee?</p> <p>11 A. I don't know. You'll have to ask</p> <p>12 him that question because he was a seasonal</p> <p>13 employee. So I don't know when he created it in</p> <p>14 his mind. When the event was first thrown? Is</p> <p>15 that what you're referring to?</p> <p>16 Q. In 1995 when the event was first</p> <p>17 created, was he working as a New York City Parks</p> <p>18 employee?</p> <p>19 A. I believe in June of 1995 when the</p> <p>20 event happened, I believe he was a New York City</p> <p>21 Parks employee.</p> <p>22 Q. You say he was a seasonal</p> <p>23 employees. Which seasons did he work in, do you</p> <p>24 know?</p> <p>25 A. Summer season.</p> |
| <p style="text-align: right;">15</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 Bean Productions is me. Whether it's legal or</p> <p>3 not, I am Baby Bean Productions.</p> <p>4 Q. And did you individually transfer</p> <p>5 your partnership interest in this partnership to</p> <p>6 Baby Bean Productions at any point in time?</p> <p>7 A. I don't know how to answer that.</p> <p>8 Like I said, Baby Bean Productions is me. There</p> <p>9 was no transferring or needing to transfer or</p> <p>10 anything like that.</p> <p>11 Q. So there's no difference between</p> <p>12 you and Baby Bean Productions.</p> <p>13 MR. SONNABEND: I object to that</p> <p>14 question.</p> <p>15 You don't have to answer if you</p> <p>16 don't have an answer to that.</p> <p>17 A. I don't have an answer to that.</p> <p>18 It's semantics to me.</p> <p>19 Q. Semantics.</p> <p>20 A. I mean, legally, I guess there is,</p> <p>21 but if you ask me or Luis.</p> <p>22 Q. Was Luis a New York City Parks</p> <p>23 Department employee at any time?</p> <p>24 A. Yes, he was.</p> <p>25 Q. At what point in time?</p>   | <p style="text-align: right;">17</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 Q. And I think you said he remained an</p> <p>3 employee of the New York City Parks Department</p> <p>4 in 2000-2001?</p> <p>5 A. Somewhere around there, yes.</p> <p>6 Q. At some point in time did you enter</p> <p>7 into at written agreement regarding this</p> <p>8 partnership?</p> <p>9 A. With Luis Perez?</p> <p>10 Q. Yes.</p> <p>11 A. Yes.</p> <p>12 Q. When was that?</p> <p>13 A. April of '07 or '06. April of</p> <p>14 '07 -- no. April. I can't remember the year.</p> <p>15 Q. April, you don't remember the year.</p> <p>16 A. No.</p> <p>17 Q. Either '06 or '07?</p> <p>18 A. Yes.</p> <p>19 Q. And why did you enter into this</p> <p>20 written partnership agreement at that point in</p> <p>21 time?</p> <p>22 A. It needed to be on paper.</p> <p>23 Q. But at that point the partnership</p> <p>24 had been operating for a year or two, depending</p> <p>25 on when you formed it, with no piece of paper,</p>   |

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| <p style="text-align: right;">26</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 something is owned -- in this context, what does</p> <p>3 that mean that you jointly own it? Does that</p> <p>4 mean that either of you can conduct an event</p> <p>5 called KoNY on your own without the other?</p> <p>6 A. No.</p> <p>7 Q. So what does it mean?</p> <p>8 A. It means we own a singular event</p> <p>9 called King of New York.</p> <p>10 Q. So that means that if either of you</p> <p>11 want to conduct the KoNY event, you need to have</p> <p>12 involvement from both of you?</p> <p>13 A. Out of respect we would. But we</p> <p>14 confer with one another and give each other the</p> <p>15 right to do with it what we want. I don't think</p> <p>16 that instance would ever happen.</p> <p>17 Q. Now, prior to entering into this</p> <p>18 event partnership agreement, I believe you</p> <p>19 testified that Baby Bean didn't have any</p> <p>20 ownership rights in the KoNY event, is that</p> <p>21 correct?</p> <p>22 MR. SONNABEND: Can I have the</p> <p>23 question again?</p> <p>24 (The pending question was read.)</p> <p>25 A. Correct.</p>   | <p style="text-align: right;">28</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 Q. What do you mean by "include all</p> <p>3 rights beginning with the creation of the event</p> <p>4 in '95"?</p> <p>5 A. It means I pretty much worded it I</p> <p>6 think to show that it's not a different event</p> <p>7 starting in August 2005. That it's all the same</p> <p>8 event, same King of New York. And so anything</p> <p>9 that started with the King of New York in 1995</p> <p>10 is sort of going to continue.</p> <p>11 Q. And so is it your understanding</p> <p>12 that Luis is -- prior to entering into this</p> <p>13 agreement, Luis Perez had those rights dating</p> <p>14 back to 1995?</p> <p>15 A. Yes.</p> <p>16 Q. And why do you believe that?</p> <p>17 A. Because he started the event.</p> <p>18 Q. Where does Luis Perez live now?</p> <p>19 A. Pennsylvania.</p> <p>20 Q. Near you in Boalsburg?</p> <p>21 A. No.</p> <p>22 Q. Who's Robert Ramos?</p> <p>23 A. He is the current skate park</p> <p>24 manager at Mullally Skate Park.</p> <p>25 Q. He's currently a New York City</p> |
| <p style="text-align: right;">27</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 Q. Who's responsible for event</p> <p>3 management of the KoNY event?</p> <p>4 A. The majority of it is myself.</p> <p>5 Q. But this document says that the</p> <p>6 partnership shall have equal rights in the</p> <p>7 management of the partnership business. What</p> <p>8 does that mean?</p> <p>9 A. It means just what's written there.</p> <p>10 We'll have equal rights in its management, but</p> <p>11 that doesn't mean -- the way I wrote it up is it</p> <p>12 doesn't mean that we have to exert those legal</p> <p>13 rights all the time.</p> <p>14 Q. So each partner has equal rights in</p> <p>15 planning, but in practice you take the labor, is</p> <p>16 that fair to say?</p> <p>17 A. I would say yes.</p> <p>18 Q. Now, this document says in the</p> <p>19 second paragraph, second sentence, it says, "The</p> <p>20 partnership shall begin on August 2005, which</p> <p>21 will include all rights beginning with the</p> <p>22 creation of the event in 1995, and shall</p> <p>23 continue until terminated as herein provided."</p> <p>24 Do you see where it says that?</p> <p>25 A. Mm-hmm, I have do.</p> | <p style="text-align: right;">29</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 Parks employee?</p> <p>3 A. Yes.</p> <p>4 Q. Is he a friend of yours?</p> <p>5 A. Yes, he is.</p> <p>6 Q. Do you know him from about the same</p> <p>7 time you know Luis Perez?</p> <p>8 A. A little bit less time, but a long</p> <p>9 time.</p> <p>10 Q. Is there any other agreement in</p> <p>11 place between you and Perez relating to KoNY?</p> <p>12 A. Written agreement? No. Written</p> <p>13 agreement, this is it.</p> <p>14 Q. This is the only written agreement</p> <p>15 you have between you and Luis Perez relating to</p> <p>16 KoNY.</p> <p>17 A. Yes, I believe so.</p> <p>18 Q. Is there any other verbal agreement</p> <p>19 that you have with him?</p> <p>20 A. No. I mean, the verbal agreement</p> <p>21 was -- no. The verbal agreement was based on --</p> <p>22 this is based on the verbal agreement.</p> <p>23 Q. So this document essentially</p> <p>24 memorializes all understandings you have with</p> <p>25 Perez relating to KoNY?</p>   |



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1 Danny Parks - February 6, 2008  
2 champion.  
3 Q. There were medals?  
4 A. No, there were crystal type of  
5 plaques sort of, standing plaques. I forget  
6 what you call them. But the awards.  
7 Q. Those pros who compete, they're  
8 professional BMX riders?  
9 A. Yes.  
10 Q. They do this for a living  
11 typically?  
12 A. Typically. Part of their living.  
13 Q. They may have day jobs or something  
14 else?  
15 A. Yes.  
16 Q. Who you about the amateurs, what  
17 type of people are they?  
18 A. Just mostly kids that are not doing  
19 it for a living, just for the fun of it.  
20 Everyone's doing it for the fun of it, but more  
21 hobbyists I guess.  
22 Q. Are there beginners who compete?  
23 A. We have beginner and expert class.  
24 Q. Obviously the professionals are  
25 quite good at what they do.

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1 Danny Parks - February 6, 2008  
2 A. Mm-hmm.  
3 Q. And the experts are quite good at  
4 what they do.  
5 A. Yes, they are.  
6 Q. They probably spend a lot of time  
7 riding BMX to get as good as they are.  
8 A. Yes.  
9 MR. SONNABEND: I object to the  
10 question.  
11 Q. How many beginners do you have year  
12 to year, approximately?  
13 A. I'll give you last year's figures  
14 was -- 2007 we had I believe 80 or 90 total  
15 amateurs. Beginners were probably 40 I think.  
16 Q. What types of events do you have?  
17 A. Primarily it's a park event. Skate  
18 park event. That's it.  
19 Q. Explain to me. I'm not a BMX  
20 expert. Do you do jumps or tricks, or what kind  
21 of things?  
22 A. Yes, jumps. There's a box jump so  
23 you can jump that and do tricks on that. There  
24 are different types of obstacles. Street spine  
25 as it's called, quarter pipes, pyramid jumps.

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1 Danny Parks - February 6, 2008  
2 Or pyramid ramps. Ledges, grind rails.  
3 Q. These are all different types of  
4 moves and tricks that people do?  
5 A. No, those are all different types  
6 of obstacles. And bike riders would do tricks  
7 and stunts on these -- or over these obstacles.  
8 Q. Who works at the event?  
9 A. The King of New York staff or the  
10 event staff?  
11 Q. Who are the event staff?  
12 A. Myself, Luis, we have an announcer,  
13 MC. We have a timekeeper, we have people  
14 staffing the outside of the rink. Through the  
15 co-sponsorship with the Parks Department, we had  
16 PEP workers, which are Parks Enforcement Patrol,  
17 as our security. Parks Department volunteers  
18 help out. And then just volunteers, people --  
19 just friends of mine that will help out.  
20 Photographers, videographers, judges.  
21 Q. Is there a videotape taken every  
22 year of the event?  
23 A. Numerous.  
24 Q. And has that been true every year  
25 since the event's been conducted?

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1 Danny Parks - February 6, 2008  
2 A. Yes.  
3 Q. Do you have copies of all the  
4 videotapes of the event?  
5 A. I don't personally, but I think  
6 between the two of us, myself and Lou Perez, we  
7 do. Or it's accessible.  
8 MR. COHEN: I call for production  
9 of all the videotapes of the events, to the  
10 extent they haven't been produced.  
11 MR. SONNABEND: Okay.  
12 Q. I'd like to show you a document.  
13 In connection with the event, do  
14 you periodically send out proposals to potential  
15 sponsors?  
16 A. Yes.  
17 Q. You do quite a bit of that, don't  
18 you?  
19 A. Yes.  
20 MR. COHEN: Let's mark this as  
21 Defendant's 2.  
22 (Defendant's Exhibit 2 for  
23 identification, October 12, 2006 E-mail and  
24 Attached Sponsorship Proposal.)  
25 Q. Do you recognize this document?

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| <p>118</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 with Luis Perez?</p> <p>3 A. There hasn't been any revenues to</p> <p>4 share.</p> <p>5 Q. Has he ever paid for any of the</p> <p>6 expenses?</p> <p>7 A. No.</p> <p>8 Q. What involvement has Luis had in</p> <p>9 the King of New York event since 2006?</p> <p>10 A. We run ideas off one another, he's</p> <p>11 judged 2007, he is the -- he's sort of my right</p> <p>12 hand man, so to speak, in the event itself</p> <p>13 on-site. And yes, I discuss everything with him</p> <p>14 with regards to the event. Who's looking to</p> <p>15 sponsor, who sponsored us, who almost sponsored</p> <p>16 us, who do you think we should call, that type</p> <p>17 of thing.</p> <p>18 Q. Does he review sponsorship proposal</p> <p>19 e-mails that you send out before you send them</p> <p>20 out?</p> <p>21 A. No. And he doesn't review them</p> <p>22 all. The e-mails that I send are pretty generic</p> <p>23 to start off with. And I try and give him an</p> <p>24 idea of how they're going to be worded</p> <p>25 beforehand.</p> | <p>120</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 event. And six weeks before, they pulled out.</p> <p>3 I believe that had something to do with our</p> <p>4 discussions in the beginning about their</p> <p>5 involvement with the DC King of New York.</p> <p>6 Q. Why do you believe that?</p> <p>7 A. I mean, just because of their</p> <p>8 attitude about it. And them being a big company</p> <p>9 and DC being a big company, I don't know if I</p> <p>10 know how to explain it correctly, but I just</p> <p>11 feel like that if companies hear about</p> <p>12 litigation, that they're not going to get</p> <p>13 involved, they're not going to want to be</p> <p>14 involved. And I think they had hopes that this</p> <p>15 thing would have gone away and they realized</p> <p>16 that it wasn't and pulled out of our event.</p> <p>17 Q. I just noticed that you seem to be</p> <p>18 wearing a King of New York t-shirt. I didn't</p> <p>19 notice that before.</p> <p>20 A. Good luck stuff. I have my good</p> <p>21 luck stuff on today.</p> <p>22 Q. So that is a King of New York</p> <p>23 t-shirt that you're wearing?</p> <p>24 A. That is 2007.</p> <p>25 Q. Did anyone ever tell you that</p> |
| <p>119</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 He has also looked at the proposals</p> <p>3 before they've gone out, especially in 2006, he</p> <p>4 was heavily involved in that stuff.</p> <p>5 Q. Does he review or approve the King</p> <p>6 of New York press releases?</p> <p>7 A. No.</p> <p>8 Q. Does he review and approve the</p> <p>9 fliers, King of New York fliers?</p> <p>10 A. Yes.</p> <p>11 Q. Does he --</p> <p>12 A. And we're talking about '06 and</p> <p>13 '07, correct?</p> <p>14 Q. Yes.</p> <p>15 A. Okay.</p> <p>16 Q. Now, earlier in the deposition you</p> <p>17 said that you believe you've been damaged by DC</p> <p>18 in that you weren't able to sign Mazda as a</p> <p>19 sponsor.</p> <p>20 A. Yes.</p> <p>21 Q. Any other ways in which you feel</p> <p>22 you've been economically damaged by what DC has</p> <p>23 done or has not done?</p> <p>24 A. Well, Red Bull gave us a verbal</p> <p>25 confirmation in '06 about sponsoring the 2007</p>  | <p>121</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 that's why Red Bull pulled out in 2007?</p> <p>3 A. No.</p> <p>4 Q. You said they had made a verbal</p> <p>5 commitment to you before that.</p> <p>6 A. Yes, they pretty much told us --</p> <p>7 well, verbal and through e-mails.</p> <p>8 Q. Do you have e-mails showing --</p> <p>9 A. You guys should have that. With an</p> <p>10 offer of a certain amount. I think it was --</p> <p>11 originally it was \$1,500 and then they upped it</p> <p>12 to \$2,000.</p> <p>13 Q. Other than what you've testified,</p> <p>14 do you have any other basis for believing that's</p> <p>15 why Red Bull pulled out?</p> <p>16 A. No. Red Bull, no.</p> <p>17 Q. Any other ways in which you feel</p> <p>18 you've been economically damaged by DC?</p> <p>19 A. Yeah. I mean, there's King of New</p> <p>20 York -- DC King of New York stuff all over the</p> <p>21 internet. And I think Baby Bean calling up a</p> <p>22 potential sponsor and trying to solicit from</p> <p>23 them, I mean, I had this the other day. I</p> <p>24 talked to Zumiez and Zumiez thought we were the</p> <p>25 DC event. And I said no, we're not DC King of</p>                         |